

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/712,600	Confirmation No.: 9005
Applicant : Alan Reid	
Filed : November 13, 2003	
T.C./A.U. : 3767	
Examiner : Elizabeth R. MacNeill	
Docket No. : MMED-002AUS	
Customer No. : 022494	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

DECLARATION UNDER 37 CFR §1.131

1. I, Alan Reid, am the sole inventor of a U.S. Patent Application entitled "Needle Device Having Slideable Member Providing Enhanced Safety," now pending before the U. S. Patent Office as Application No. 10/712,600.
2. I have read the Office Action mailed on February 9, 2007 in which the Examiner rejects 1-23 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,097,637 to Triplett et al. the Triplett patent was filed on August 27, 2003. The Triplett patent does not claim priority to any earlier patent application. As described below in detail, I fabricated a working prototype embodying the claimed invention prior to August 27, 2003.
2. Prior to August 27, 2003, the invention claimed in U. S. Patent Application No. 10/712,600 was actually reduced to practice with the fabrication of a working prototype. The subject matter claimed in the '600 application, which was reduced to practice prior to August 27, 2003, includes subject matter set forth in claim 1, for example, which requires:

A medical device having a user position and a non-use position, comprising:

a housing having first and second portions each having respective first and second ends, the second portion having a first position in the use position and a second position in the non-use position;

a longitudinal member having first and second ends, the longitudinal member extending from the housing in the use position and being captured by the first housing portion in the non-use position; and

a needle extending downwardly from the housing in the use position and not extending from the device in the non-use position.

3. Prior to August 27, 2003, I built a prototype embodying the claimed invention. I engaged Glen Schult to generate design drawings from the prototype. Exhibit A is a print out an email from Glen on July 31, 2003 attaching the drawings generated from the prototype I had fabricated. The drawings embodying the claimed invention attached to the email of July 31, 2003 are shown in Exhibit B.

4. It is standard practice for me to develop prototypes and to give them to Glen Schult to generate design drawings. We have a business relationship spanning over five years. I have a specific recollection in this case of providing Glen with the prototype on or about mid July 2003 from which the drawings in Exhibit B were generated.

5. The prototype I fabricated was fully functional. The drawings generated by Glen Schult from the prototype and used in the present patent application.

6. All of the acts referred to herein took place in the United States.

7. All of the statements made herein are of my own knowledge and are true, these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application and any patent issuing thereon, or any patent to which this verified statement is applied.

R7-07
Date of Signature

By 
Alan Reid

EXHIBIT A

Alan Reid

From: Sue Starkey [sstarkey@multimedinc.com]
Sent: Tuesday, July 17, 2007 9:10 AM
To: 'Alan Reid'
Subject: FW:
Follow Up Flag: Follow up
Flag Status: Red
Attachments: Catheter Sliding.zip

From: Alan Reid [mailto:alan.reid@verizon.net]
Sent: Tuesday, July 17, 2007 8:55 AM
To: sue starkey
Subject: FW:

From: Glen Schult [mailto:GSchult@Gsd-Co.Com]
Sent: Thursday, July 31, 2003 11:13 AM
To: Alan Reid
Subject:

Alan Reid

From: Sue Starkey [sstarkey@multimedinc.com]
Sent: Tuesday, July 17, 2007 9:10 AM
To: 'Alan Reid'
Subject: FW:
Follow Up Flag: Follow up
Flag Status: Red
Attachments: Catheter Sliding.zip

[Handwritten signature]

From: Alan Reid [mailto:alan.reid@verizon.net]
Sent: Tuesday, July 17, 2007 8:55 AM
To: sue starkey
Subject: FW:

From: Glen Schult [mailto:GSchult@Gsd-Co.Com]
Sent: Thursday, July 31, 2003 11:13 AM
To: Alan Reid
Subject:

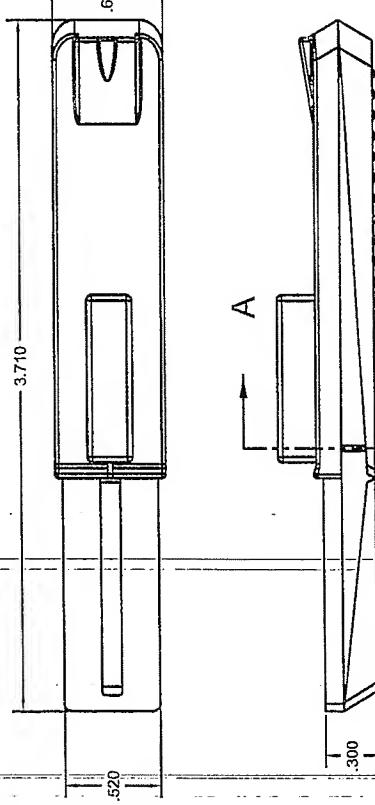
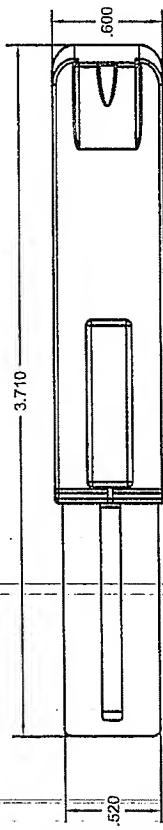
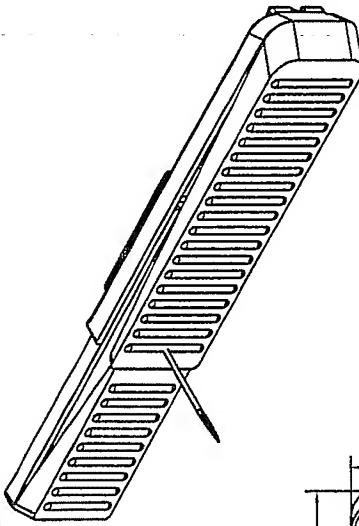
[Handwritten signature]

Alan Reid

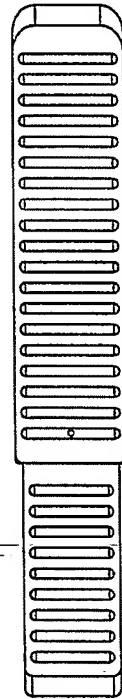
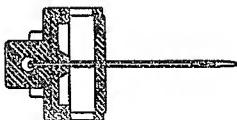
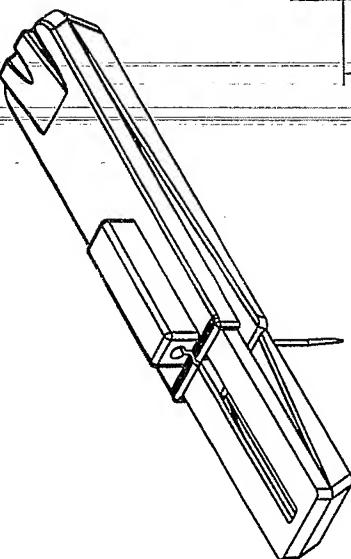
From: Glen Schult [GSchult@Gsd-Co.Com]
Sent: Thursday, July 31, 2003 11:13 AM
To: Alan Reid
Follow Up Flag: Follow up
Flag Status: Red

EXHIBIT B

ZONE		REV	DESCRIPTION		DATE	APPROVED
REVISIONS						



SECTION A-A



MATERIAL:	Multi-Med, Inc.	
JOB REFERENCE:	Catheter Sliding	
	TITLE:	Glen CHECKED
	DRAWN:	Glen
TOLERANCES:	DATE:	7-30-03
.0005 XXXX +/- .0002	SCALE:	Full
XXX +/- .005	REV:	
XX +/- .01	SHEET:	of
ANG +/- 5 DEG	DRAWING #:	

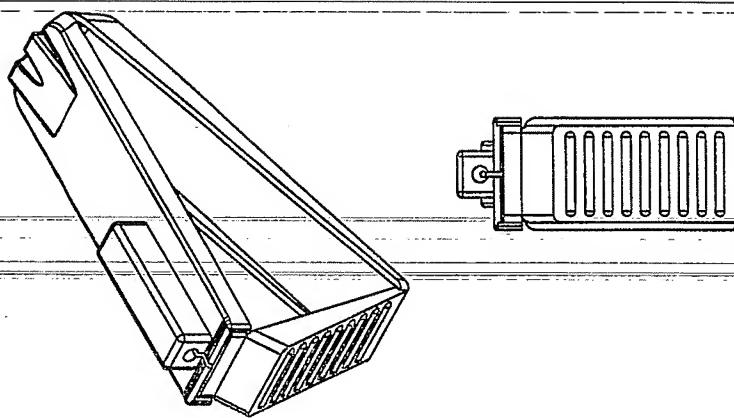
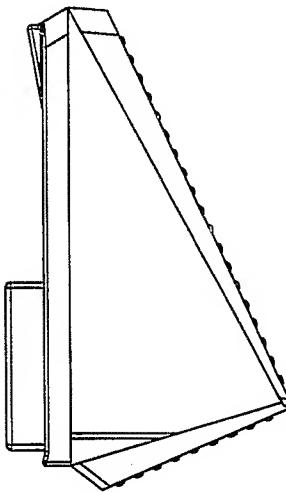
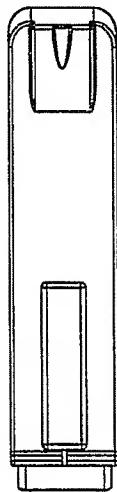
REVISIONS		
ZONE	REV	DESCRIPTION

APPROVED

DATE

DESCRIPTION

ZONE



MATERIAL:	Multi-Med, Inc.		
JOB REFERENCE:	TITLE:		
...	Catheter Sliding		
DRAWN:	Glen	CHECKED:	
TOLERANCES:			
.0005 XXXX +/- .0002	DATE:	7-30-03	
XXX +/- .005 XX +/- .01	SCALE:	Full	
ANG +/- .5 DEG	REV:	SHEET of	
		DRAWING #:	

...
ANG +/- .5 DEG